

Article - Business Regulation

[\[Previous\]](#)[\[Next\]](#)

§8–311.

(a) Subject to the hearing provisions of § 8–312 of this subtitle, the Commission may deny a license to an applicant, reprimand a licensee, or suspend or revoke a license if the applicant or licensee or the management personnel of the applicant or licensee:

(1) fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another person;

(2) fraudulently or deceptively uses a license;

(3) fails to give the Commission information required by this subtitle about an application for a license;

(4) fails to pass an examination required by this subtitle;

(5) under the laws of the United States or of any state, is convicted of a:

(i) felony; or

(ii) misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to engage in home improvement services;

(6) often fails to perform home improvement contracts;

(7) falsifies an account;

(8) engages in fraud;

(9) as a contractor fails to show financial solvency, based on the intended scope and size of the business in relation to total assets, liabilities, credit rating, and net worth;

(10) as a contractor lacks competence, as shown by the performance of an unworkmanlike, inadequate, or incomplete home improvement;

(11) violates this title;

(12) attempts to violate this title;

(13) violates a regulation adopted under this title; or

(14) in the Chesapeake and Atlantic Coastal Bays Critical Area, as defined under § 8-1802 of the Natural Resources Article, fails to comply with:

(i) the terms of a State or local permit, license, or approval issued for home improvement; or

(ii) any State or local law, an approved plan, or other legal requirement.

(b) Subject to the hearing provisions of § 8-312 of this subtitle, the Commission may reprimand a contractor or suspend or revoke the license of a contractor for a violation of this title by an agent, director, employee, manager, officer, partner, or salesperson of the contractor, unless the Commission finds that the contractor or management personnel of the contractor:

(1) had no knowledge of the wrongful conduct; or

(2) could not prevent the violation.

(c) Instead of or in addition to reprimanding a licensee or suspending or revoking a license, the Commission may impose a civil penalty under § 8-620 of this title.

(d) The Commission shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a license or the reprimand of a licensee when an applicant or licensee is convicted of a felony or misdemeanor described in subsection (a)(5) of this section:

(1) the nature of the crime;

(2) the relationship of the crime to the activities authorized by the license;

(3) with respect to a felony, the relevance of the conviction to the fitness and qualification of the applicant or licensee to provide home improvement services;

(4) the length of time since the conviction; and

(5) the behavior and activities of the applicant or licensee before and after the conviction.

[\[Previous\]](#)[\[Next\]](#)